

REMARKS

Claims 1, 3-14, and 19-31 are present in this application. Claims 2 and 15-18 are canceled. Claims 1, 7, and 19 are independent claims.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

§ 103(a) Rejection – Ellis

Claims 1, 3-13 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Application Publication 2004/0117831 (Ellis 3; newly cited reference). Applicant respectfully traverses this rejection.

Claim 7

Embodiments of the present invention covered by claim 7 (e.g., Figs. 1, 6, 11) are directed to a performance recording system, comprising:

a portable device (e.g., Portable Device 1) which is superior in carryability and capable of obtaining and storing a data identifier (identifier stored in identifier storing section 12), wherein when a user enters a venue where a performance is held (Performance Site 101), the portable device obtains at the venue the data identifier corresponding to the performance and stores the data identifier;

a distribution medium (e.g., broadcasting system 102) for distributing record data of the performance as data together with the data identifier; and

a data recording device (e.g., information processing device 2) which stores record data based on the data identifier from the portable device and the data identifier from the distribution medium, the data recording device including:

(a) receiving means for receiving data distributed through the distribution medium;

(b) comparing means (e.g., identifier comparing section 25) for making a comparison between a data identifier included in the data received by the receiving means and a data identifier inputted from the outside ; and

(c) storing means (e.g., data storing section 27) for storing data having the data identifier when the two data identifiers coincide with each other.

As disclosed in the present specification at page 11, "The performance site 101 is a venue, such as a baseball stadium or a theater where a baseball game or a theatrical performance is held, and issues an identifier corresponding to the performance. The identifier is, for instance, transmitted in the form of electric waves in the case where the portable device 1 is a mobile phone, or magnetically or electronically written at an entrance gate when the portable device 1 is a card-type entrance ticket."

As disclosed in the specification at pages 12-13, "The receiving section 11 receives an identifier of a performance that is sent from the performance site 101. The receiving section 11 includes an antenna, a receiving circuit and the like in the case the identifier is transmitted in the form of electric waves and the like, or alternatively includes an interface for electronically receiving the identifier in the case where the identifier is electronically transmitted, or further alternatively includes an element or the like to which the identifier can magnetically be written when the identifier is magnetically recorded. An identifier of the performance is individually determined for each performance, and functions as a key necessary for later obtaining accurate record data from the broadcasting system 4 or the network 5."

The Office Action alleges that E208, paragraph 0092 teaches a device capable of obtaining and storing a data identifier assigned to a performance such as title of a program, program identifier, etc. The Office Action concludes that, "It is obvious that the performance is watched by a user (e.g., audience at performance site of real time resource) or the remote access device is carried out by a user at scene of news event or at the scene of real time resource in order to at least allow user/audience to watch the live event (e.g., concert, live sport game, etc.) without using television or allow user/audience to watch missing part of the live event or interest live event again." (Office Action at page 9).

To the contrary, the claimed data identifier that is stored in the portable device is one that is transmitted at the venue of the performance. The portable device storing the data identifier can

serve both as an entrance ticket for the performance and as a device that can verify attendance at the performance. The present invention enables those users that have actually attended a performance to obtain a recording of the performance simply by transferring the data identifier to the recording and reproducing device.

Claim 9

Embodiments covered by claim 7 can further include data reproducing means for reproducing data read out of the storing means. When referring to data stored in the storing means and detecting stored data corresponding to a data identifier from the accepting means, the comparing means reads the data out of the storing means to the data reproducing means (Fig. 5, steps S3, S4 YES, S9). When the data is not yet stored in the storing means, the comparing means compares a data identifier included in the data received by the receiving means and a data identifier from the portable device, and the storing means stores data having the corresponding data identifier according to results of the comparison (Fig. 5, S4 NO, S5, S6, S7).

Applicant submits that although the Ellis references allow scheduling of television program recording and providing requests by title to the remote program guide access device (para. 0114, 0115 E208), the references do not disclose comparing data identifiers after the program has been received by the recording device but before it is stored, and storing according to the results of the comparison.

Claim 1

Embodiments of the present invention covered by claim 1 (e.g., Figs. 1, 3, 6, 11, 12, 13) are directed to a data recording device (e.g., performance recording system 2), comprising:

receiving means (e.g., data receiving section 23) for receiving data distributed through a distribution medium (e.g. broadcasting system 102);

comparing means (e.g. identifier comparing section 25) for making a comparison between a data identifier included in the data received by the receiving means and a data identifier inputted from the outside;

storing means (e.g., data storing section 27/43) for storing data having the data identifier when the two data identifiers coincide with each other; and

accepting means (e.g., identifier receiving section 21/41) for accepting from a portable device which stores a data identifier. The portable device obtains and stores the data identifier when the user enters a venue where a performance is held and the portable device obtains at the venue the data identifier corresponding to the performance, the data identifier as the identifier inputted from the outside, wherein said portable device is set to be ready to communicate data with the data recording device.

Similar to the arguments in the above for claim 7, the Office Action alleges that Ellis teaches a device capable of obtaining and storing a data identifier assigned to a performance such as title of a program, program identifier, etc. The Office Action concludes that, “It is obvious that the performance is watched by a user (e.g., audience at performance site of real time resource) or the remote access device is carried out by a user at scene of news event or at the scene of real time resource in order to at least allow user/audience to watch the live event (e.g., concert, live sport game, etc.) without using television or allow user/audience to watch missing part of the live event or interest live event again.” (Office Action at pages 5-6).

For at least the reasons above for claim 7, Applicant submits that Ellis fails to teach or suggest each and every claimed feature of claim 1.

§ 103 Rejection – Ellis, Sehr

Claims 14, and 19-30 have been rejected under 35 U.S.C. 103(a) as being unpatentable over E831 in view of U.S. Patent 6,999,936 (Senh). Applicant respectfully traverses this rejection.

Claim 19

Embodiments of the present invention covered by claim 19 are directed to a portable device (e.g., Figs. 2, 7, 14) used as an entrance ticket for a performance in a performance recording system (e.g., Fig. 1), the performance held at a performance venue (101), the performance recording system comprising:

the portable device which is superior in carryability and has data identifier storing means (e.g., identifier storing section 12, 33) for previously storing a data identifier, the portable device obtaining the data identifier as it is transmitted at the performance venue at a time when the user enters the venue and storing the obtained data identifier (specification at page 11: “The identifier is, for instance, transmitted in the form of electric waves in the case where the portable device 1 is a mobile phone, or magnetically or electronically written at an entrance gate when the portable device 1 is a card-type entrance ticket.”; specification at pages 12-13: “An identifier of the performance is individually determined for each performance, and functions as a key necessary for later obtaining accurate record data from the broadcasting system 4 or the network 5.”);

a distribution medium (e.g., broadcasting system 102) for distributing record data of the performance as data together with the data identifier; and

a data recording device (e.g., information processing device 2) which stores record data based on the data identifier from the portable device and the data identifier from the distribution medium, the data recording device including:

(a) receiving means (e.g., data receiving section 23) for receiving data distributed through the distribution medium;

(b) comparing means (e.g., identifier comparing section 25) for making a comparison between a data identifier included in the data received by the receiving means and a data identifier inputted from the portable device; and

(c) storing means (e.g., data storing section 27) for storing data having the data identifier when the two data identifiers coincide with each other.

The Office Action alleges that E831 discloses the features of claim 19, but admits that E831 does not disclose a portable device used as an entrance ticket for a performance (Office Action at page 12). Instead, the Office Action states that,

“Sehr discloses a portable device used as an entrance ticket for a performance (portable ticket card/portable visitor card device used for admission to events such as sporting activities or other entertainment programs- see including, but are not limited to, abstract, col. 3, lines 34-62).” (Office Action at page 13).

To the contrary, Applicant submits that Sehr fails to make up for the above-stated deficiencies in E831, and in particular fails to teach that the visitor card obtains a data identifier as it is transmitted at the performance venue at a time when the user enters the venue and storing the obtained data identifier. In the claimed invention, record data is stored based on the data identifier from the portable device and the data identifier from the distribution medium. A comparison is made between the data identifier included in the data received by the receiving means and the data identifier inputted from the portable device. The record data is stored when the two data identifiers coincide with each other.

According to the specification, “In the case where the corresponding record data are not stored, data transmitted from the broadcasting system 102 or the network 103 are supervised by the identifier comparing section 25. Then, whether or not identifiers contained in the foregoing data are identifiers corresponding to the target record data is continuously checked_using the identifier stored in the identifier storing section 22, and whether or not the target data are received is determined.” (Specification at pages 21-22).

Applicant submits that E831 and Sehr, either alone or in combination, do not teach or suggest a data identifier transmitted to the portable device at the performance venue when the

user enters the venue that is to be compared with a data identifier distributed over a distribution medium as a criteria for storing record data of the performance that has been distributed.

Applicant requests that the rejection be reconsidered and withdrawn.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact **Robert Downs** Reg. No. 48,222 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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